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10/661,266

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EXAMINER

SEYE, ABDOU K

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/661,266	Applicant(s) GRAY ET AL.	
	Examiner Abdou Karim Seye	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,8 and 10-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8 and 10-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

  
**WILLIAM THOMSON**  
**SUPERVISORY PATENT EXAMINER**

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on April 24, 2007 has been received and entered. The amendment amended Claims 1-2, 4-5, 7-8, 10, 12, 14-17, 29-30, 34-35, 38-39, 42-44 and cancelled claims 6, 9 and 40-41 and added claim 45. The currently pending claims considered below are Claims 1-5, 7-8, 10-39 and 42-45.

***Claim Rejections - 35 USC § 112***

2. The Examiner notes that Claims 1, 38 and 42 have been newly amended to include "autonomously reproduce the capture user event". That raises a new rejection as follow.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-5, 7-8, 10-39 and 42-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Currently amended claims 1, 38 and 42 recite the new limitations: "autonomously reproduce the capture user event". Examiner was unable to locate any description of the element operation of "autonomously".

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Moreover it is unclear when the autonomously operation is to be invoked, since neither the claims nor the specification provide guidance as to when or what conditions need to be met or not to be met in order to implement the autonomous feature.

Applicant does not show where the newly claimed limitation is taught in the specification.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 4-5, 7-8, 12-29, and 32-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayner et al. (20040100507).

Claims 1, 38: Hayner discloses methods, computers and computer readable media for monitoring user actions on a computer system, comprising:

(a) determining, with a first application programming interface (API), whether a first screen object has been acted upon by a user, the first API being coordinate-independent and application message independent with respect to the first screen object (paragraph 31, 36, 45-47); and

(b) in response to (a), capturing a user event associated with the first screen object (paragraph 32, 38);

(c) representing the captured user event as an event entry in a file (paragraph 42 and 47); and

(d) playing back the user event from the event entry of the file to autonomously reproduce the captured user event (paragraph 38 and 39; reconstruction of the image captured).

Claim 2: Hayner teaches,  
processing the captured user-driven event (paragraph 38).

As per claim 7, it is rejected for the same reasons as the claims above.

As per claim 18, Hayner teaches creating a knowledge base for archiving and exchanging at least one file, wherein each file comprises a representation of a set of user events (FIG. 1: 22; paragraph 26; storing and organizing/maintaining file in database ).

As per claim 19 , it is rejected for the same reasons as claim 18 above.

Claim 8: Hayner teaches,  
retrieving the file (paragraph 55).

Claim 12: Hayner teaches wherein,  
the file comprises a text file (paragraph 15; HTML file).

Claim 32: Hayner teaches wherein,  
the event entry comprises a notes attribute, the notes attribute providing an annotation about the user event (paragraph 15, 34, 40 and 36).

As per claim 35, it is rejected for the same reasons as the claims above.

As per claim 13, 27, it is rejected for the same reasons as the claims above.

Claim 14: Hayner teaches,  
Inputting a command, through a user interface, that is indicative of subsequent processing of the user event (abstract; user input device). This element meets the claimed limitation of the claim.

Claim 15: Hayner teaches wherein,  
determining a speed associated with the user event, the speed being associated with duration of the user event (paragraph 37 and 46-47; storing timestamp of events associated data for the reconstruction and replaying of the user session ).

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As per claims 16 and 17, they are rejected for the same reason as claim 15 above.

Claim 28: Hayner teaches, wherein,  
the command is selected from the group consisting of a new command, an open command, a view command, a save command, a notes command, a record command, a back command, and a next command( paragraph 36 and 39). The elements "GUI gadgets " and "Web browser" of the Hayner's reference meet the claimed limitation of the claim.

As per claim 29, it is rejected for the same reasons as the claims above.

Claim 34: Hayner teaches wherein,  
an activeX component (paragraph 32).

As per claim 37, it is rejected for the same reason as the claims above.

Claim 4: Hayner teaches,  
determining with the API that a second API, whether a second screen object has been acted upon by the user (paragraph 37 and 38; different events).this element of Hayner's reference meet the claimed limitation of the claim.

As per claim 5, it is rejected for the same reason as claim 4 above.

Claim 20: Hayner teaches wherein,

The first API is selected from the group consisting of Access Accessibility API, Win32 API and a Windows System hook (paragraph 41- 43).

As per claim 21-26, they are rejected for same reason as the claims above.

As per claim 43-45, they are rejected for the same reason as the claims above.

As per claims 33 and 36, they are rejected for the same reasons as the claims above.

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hayner et al. (US 20040100507) in view of Chang et al (US 6968509).



Claims 10-11: Hayner does not teach, editing the event entry of a file . However in the same field of endeavor; recording of user events Chang discloses edit menu item and event entries (606) in (fig. 6-10). Therefore it would be obvious to one having ordinary skill in the art at the time the invention was made to modify Hayner 's invention with Chang's invention to edit event entries of a file for debugging an application. One would have been motivated to edit and modify event entries in order to efficiently resolve bug of application that can be reproduced by following the user driven-driven events (Chang; Col. 8, lines 14-21).

Claim 3, Hayner does not teach , wherein the first API comprises an Active Accessibility API. However in the same field of endeavor; recording of user events Chang discloses an application IAccessible() (col. 6, lines 25-30). Therefore it would be obvious to one having ordinary skill in the art at the time the invention was made to modify Hayner 's invention with Chang's invention to include this API for monitoring change in focus when recording user events. One would have been motivated to include this API in order to monitor change of change in focus. Therefore, to efficiently resolve bug of application that can be reproduced by following the user driven-driven events (Chang; Col. 8, lines 14-21).

9. Claims 30-31 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hayner et al. (US 20040100507) in view of Wang et al (US 662226).

Claims 30 and 31: Hayner does not clearly disclose enumerating a desktop, drilling down through hierarchy to find a matching screen object, stopping playback of the file, invoking a recorded action that is associated with the user event, proceeding to a next user event that is recorded by the file. However, Wang discloses a system method and product that typically permit a user/administrator to retrieve, track and replay recorded screen activities; drilling down to find a matching screen, tracking playback of file, invoking actions and proceeding to a next user event (Figure 4/6B-C; col. 9, lines 18-67). It would be obvious to one of ordinary skill in the art at the time the invention was made to modify Hayner's invention with Wang's invention to include these functionalities that would allow efficient retrieval, tracking and playback of capture screen objects. One would have been motivated to capture screen objects in files and index the stored file a replay back the stored screen objects in order to provide assessment of how a user reacted to transactions that may provide useful marketing feedback to a distributor of a product (Wang; col. 8, lines 15-23).

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-5, 7-8, and 10-45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

AKS  
June 08, 2007

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER